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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,401	07/17/2003	Michael F. Best	71189-1488	1400
20915	7590	08/01/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,401	Applicant(s) BEST ET AL.	
	Examiner Theresa T. Snider	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12 and 14-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-12, 14-18 and 20-21 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities: 'fluid communication the inlet' appears to be missing a word . Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 16 and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16, line 3, 'supports' should be replaced with 'support' to correspond with claim 1.

Claims 20-21, 'the dirt separator' lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 12 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rench et al.('538).

Rench et al.('538) discloses a foot assembly having a suction nozzle (fig. 3, #33).

Rench et al.('538) discloses a working air conduit connected to the suction nozzle at one end (fig. 1, #31).

Rench et al.('538) discloses an upright handle assembly pivotally mounted to the foot assembly including an elongated structural support and a handgrip (figs. 1-2, #119).

Rench et al.('538) discloses a portable cleaning module detachably mounted to the module platform (fig. 2, #27, col. 10, line 39).

Rench et al.('538) discloses the module including a housing (fig. 1, #27), a dirt separator (fig. 4, #21a), a suction conduit having a first end connected to the housing and a second end connected to the working air conduit (fig. 1, unnumbered portion near end of #29 lead line) and a motor-driven fan (fig. 1, #61).

Rench et al.('538) discloses the dirt separator including a cyclone separation chamber into which air is tangentially introduced through an inlet (col. 7, line 15-16, col. 8, line 11).

With respect to claim 12, Rench et al.('538) discloses the inlet of the motor-driven fan connected to the outlet of the separation chamber (figs. 3-4, arrows).

With respect to claim 14, Rench et al.('538) discloses the separator including a removably mounted dirt cup mounted beneath the cyclone separation chamber (fig. 1, #93).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 11-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al.('321) in view of Scalfani et al..

Weaver et al.('321) discloses a similar vacuum cleaner however fails to disclose the dirt separator including a cyclone separation chamber.

Weaver et al.('321) discloses a foot assembly having a suction nozzle (fig. 4, #16).

Weaver et al.('321) discloses an upright handle assembly pivotally mounted to the foot assembly including an elongated structural support and a handgrip (fig. 4, #18,86).

Weaver et al.('321) discloses a portable cleaning module detachably mounted to the module platform (fig. 4, #14).

Weaver et al.('321) discloses the module including a housing (fig. 4, #46), a dirt separator (fig. 7, #139), a suction conduit having a first end connected to the housing (fig. 7, #90) and a motor-driven fan (fig. 7, #170).

Weaver et al.('321) discloses a working air conduit connected to the suction nozzle at one end and to the suction conduit at the other end (fig. 6, #212).

Scalfani et al. discloses a vacuum cleaner that uses a cyclone separation chamber into which air is tangentially introduced through an inlet (fig. 2, #80, col. 5, line 65-col. 6, lines 16). It would have been obvious to one of ordinary skill in the art to replace the separator of Weaver et al.('321) with the cyclone separation chamber of Scalfani et al. to allow for the most effective removal of the larger particles from an air stream.

With respect to claim 11, Weaver et al.('321) discloses the suction conduit is at least in part flexible (fig. 5, #90).

With respect to claim 12, Weaver et al.('321) discloses the inlet of the motor-driven fan connected to the outlet of the separation chamber (col. 4, lines 59-62). Scalfani et al. discloses the inlet of the motor-driven fan connected to the outlet of the separation chamber (fig. 2, #32,30).

With respect to claim 14, Scalfani et al. discloses a removably mounted dirt cup (fig. 2, #50).

With respect to claims 15 and 17-18, Weaver et al.('321) discloses the module housing having a handle integrally formed at an upper portion thereof (fig. 5, #60).

With respect to claims 16 and 21, Weaver et al.('321) discloses a module platform pivotally mounted to the foot assembly (fig. 4, #200). Weaver et al.('321) discloses the module platform including an opening at an upper surface thereof connected to both the working air conduit and the suction conduit (figs. 6-7, #214).

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al.('321) in view of Scalfani et al. as applied to claim 1 above, and further in view of Thur et al..

Weaver et al.('321) in view of Scalfani et al. discloses a similar vacuum cleaner however fails to disclose the elongated structural support including a pair of spaced elongated framed joined at an upper portion with the cleaning module positioned there between. Thur et al. discloses a vacuum cleaner having an elongated structural support including a pair of spaced elongated frames joined at an upper portion with a removal module positioned there between (fig. 1, #30, fig. 10). It would have been obvious to one of ordinary skill in the art to replace the support of Weaver et al.('321) in view of Scalfani et al. with that of Thur et al. to provide for a support that could do double duty by serving also as a location for accommodating cleaning tools.

With respect to claim 3, Thur et al. discloses the frames forming a handle grip at an upper portion thereof (fig. 1, #34).

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8. Claims 15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rensch et al.('538) as applied to claim 1 above, and further in view of Weaver et al..

Rensch et al.('538) discloses a similar vacuum cleaner however fails to disclose a handle on the module housing.

Weaver et al. discloses a vacuum cleaner with a removable module having a handle on the upper portion of the module housing (fig. 4, #68). It would have been obvious to one of ordinary skill in the art to provide the handle of Weaver et al. on the module housing of Rensch et al.('538) to allow for easier carrying of the module by an operator when it is detached from the suction nozzle.

Response to Arguments

9. Applicant's arguments filed 5/26/2006 have been fully considered but they are not persuasive. Applicant argues Scalfani et al. fails to disclose the dirt-laden air is introduced tangentially through an inlet of a separation chamber. This argument is not persuasive because Scalfani et al. discloses the air can be entered tangentially entered into an inlet of a separation chamber (col. 5, line 65-col. 6, line 6). Applicant argues Scalfani et al. fails to disclose a dirt cup removably mounted beneath the separation chamber. This argument is moot in view of the new ground of rejection. Applicant argues there is no suggestion to combine the handle of Thur et al. with that of Weaver. Applicant is believed to be in error with his arguments because Thur et al. discloses there is a need in the art to store above-floor cleaning tools/hoses on a vacuum cleaner (col. 1, lines 22-25).

Allowable Subject Matter

10. Claim 19 is allowed.
11. Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

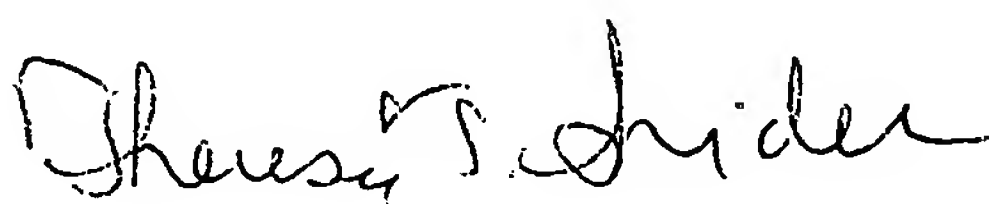
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**THERESA T. SNIDER
PRIMARY EXAMINER**

Theresa T. Snider
Primary Examiner
Art Unit 1744

7/26/2006